

SUPERIOR COURT OF CALIFORNIA, COUNTY OF INYO

People of the State of California v. _____

Case/Docket No. _____

MISDEMEANOR ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM

I understand that I am charged with a misdemeanor violation of California Health & Safety Code § 11357(b) [commonly known as the unlawful possession of not more than 28.5 grams of marijuana], or California Vehicle Code § 23222(b) [commonly known as the unlawful possession of not more than one avoirdupois ounce of marijuana while driving a motor vehicle upon a highway]. I understand the charge(s) against me, and the possible defenses.

I desire to waive or give up my right to personally appear in court for arraignment, and I wish to resolve this matter by mail. I desire to plead “no contest” to the misdemeanor charge. I understand that by pleading “no contest,” I am waiving or giving up the following rights:

- To be represented by an attorney - To retain or hire an attorney of my own choice, and if I can not afford to hire or retain an attorney, to have the Court appoint an attorney to represent me without cost to me;
- The right to a speedy and public trial by jury;
- The right to confront and cross-examine the witnesses against me;
- The right to present evidence favorable to myself, and to have the Court issue subpoenas or orders compelling the production of evidence and the attendance of witnesses, without cost or expense to me; and,
- The right against self-incrimination or the right to remain silent. I understand that if I plead “no contest” the Court will find me guilty of the misdemeanor charge, and that I am incriminating myself.

I also understand that I may suffer the following punishment, sanctions, and consequences as the result of pleading “no contest” to the misdemeanor drug charge:

- The Court may impose a fine of up to \$100 plus penalty assessments and fees, which will significantly increase the amount of the fine;
- The Court must impose a \$20 criminal security fee for each conviction;
- The Court must impose a state restitution fine in the minimum amount of \$100 and the maximum amount of \$1,000;
- If I was under the age of 21 years at the time of this violation, the California Department of Motor Vehicles (DMV) will suspend or revoke my privilege to operate a motor vehicle for at least one (1) year, or if I don’t have a license, delay my ability to obtain a driver’s license for at least one (1) year; and,
- That a drug conviction can have other adverse effects on me, including, but not limited to, adversely affecting my eligibility for educational student loans/aid, employment, and/or licensure.

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I understand that I may be eligible to participate in a “Deferred Entry of Judgment” program under California Penal Code §§ 1000 *et seq.*, and that if I were to successfully complete the Deferred Entry of Judgment program, my plea to the drug offense would be set aside and the charge dismissed. I hereby waive or give up my right to participate in the “Deferred Entry of Judgment” program. Based upon my plea of no contest, I understand that I will be convicted of the misdemeanor drug offense and that judgment will be imposed. I ask the Court to impose judgment at this time, also waiving my right to have the Court wait at least 6 hours before imposing judgment.

I freely and voluntarily, knowingly and intelligently, waive or give up each and every one of the rights mentioned above. I understand the maximum penalties and consequences that I may suffer as the result of pleading “no contest” to the misdemeanor drug charge. I do not have any questions about the charges, defenses, the rights I am giving up, or the possible consequences of pleading “no contest.” I have not consumed or ingested any alcohol or drugs that might be impairing my judgment, thinking, or reasoning ability at this time.

I do hereby plead “no contest” to the misdemeanor unlawful possession of marijuana charge alleged in this action.

Dated: _____

Signature of Defendant